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EXAMINER	
PATEL, ASHOKKUMAR B	
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ANDERS VINBERG

Appeal 2008-2553
Application 09/982,301
Technology Center 2400

Decided:[1] March 11, 2009

Before JOHN C. MARTIN, LANCE LEONARD BARRY, and ALLEN R. MACDONALD, *Administrative Patent Judges*.

BARRY, *Administrative Patent Judge.*

DECISION ON APPEAL

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[1] The two month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

The Patent Examiner rejected claims 1-23. The Appellant appeals therefrom under 35 U.S.C. § 134(a). We have jurisdiction under 35 U.S.C. § 6(b).

INVENTION

The invention at issue on appeal "selectively display[s] layered network diagrams to show the state of one or more links, connections or hardware/software relationships that may exist between components of a network." (Spec. 2.)

ILLUSTRATIVE CLAIM

1. A method for analyzing links between components of a computer system, comprising:

receiving input associated with a level of abstraction;

determining the level of abstraction based on the input;

filtering network links for display based on the level of abstraction; and

displaying the filtered network links to present a layered network diagram.

PRIOR ART

Schettler	US 5,787,252	Jul. 28, 1998

Ball	US 2003/0046390 A1	Mar. 6, 2003 (filed May 7, 2001)
Tams	US 2003/0069952 A1	Apr. 10, 2003 (filed Apr. 10, 1998)
Miyake	US 6,732,170 B2	May 04, 2004 (filed May 31, 2001)

REJECTIONS

Claims 1, 2, 10, and 18-23 stand rejected under 35 U.S.C. § 102(b) as anticipated by Schettler.

Claims 3, 6-8, 11, and 14-16 stand rejected under 35 U.S.C. § 103(a) as obvious over Schettler and Tams.

Claims 4, 5, 12, and 13 stand rejected under 35 U.S.C. § 103(a) as obvious over Schettler and Ball.

Claims 9 and 17 stand rejected under 35 U.S.C. § 103(a) as obvious over Schettler and Miyake.

CLAIM GROUPING

> When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant

> has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately.

37 C.F.R. § 41.37(c)(1)(vii).

Here, the Appellant argues claims 1, 18, 20, and 22 as a group (App. Br. 10-12) and claims 10, 19, 21, and 23 as another group (*id.* 12-13). All these claims are subject to the same ground of rejection. We select claims 1 and 10 as the sole claims on which to decide the appeal of the respective groups. "With this representation in mind, rather than reiterate the positions of the parties in toto, we focus on the issue therebetween." *Ex parte Nikoonahad*, No. 2006-3247, 2007 WL 1591636, at *2 (BPAI 2007).

ISSUE

The Examiner makes the following findings.

> Schettler teaches at col. 5, line 12-42, "FIG. 2 shows a network management map 200 which is generated by the discovery/ layout software 101 from topology data discovered from the network 118. The discovery/layout software 101 can drive any of the various submaps to the display 108 (FIG. 1) for viewing by the user (**Note: User is "input" provider**).

(Ans. 19.) The Appellant argues that "[n]owhere does *Schettler* disclose, teach, or suggest that the filtering system uses any input from a user exploding an object to filter any topology data, much less ***input associated with a level of abstraction***." (Reply Br. 4.)

Therefore, the issue before us is whether the Appellant has shown error in the Examiner's finding that Schettler receives input associated with a

level of abstraction and filters a display of network links based on the level of abstraction.

LAW

"[A]nticipation is a question of fact." *In re Hyatt*, 211 F.3d 1367, 1371-72 (Fed. Cir. 2000) (citing *Bischoff v. Wethered*, 76 U.S. (9 Wall.) 812, 814-15 (1869); *In re Schreiber*, 128 F.3d 1473, 1477 (Fed. Cir. 1997)). "A reference anticipates a claim if it discloses the claimed invention 'such that a skilled artisan could take its teachings in *combination with his own knowledge of the particular art and be in possession of the invention*.'" *In re Graves*, 69 F.3d 1147, 1152 (Fed. Cir. 1995) (quoting *In re LeGrice*, 301 F.2d 929, 936 (CCPA 1962)).

FINDINGS OF FACT

The following findings of fact ("FFs") are supported by a preponderance of the evidence.

1. Schettler's "discovery/layout software 101 . . . is configured to discover the network topology, that is, network nodes and node interconnections existing on the network 118, and to construct a network management map comprising various submaps, any of which can be used for displaying the network topology on the display 108." (Col. 5, ll. 7-12.)

2. The submaps . . . are arranged in a hierarchy. A root submap 202 is defined at a root level. The root submap 202 represents the highest logical level submap in the hierarchy and shows objects 203 acting as anchor points for different submap hierarchies.

> Each hierarchy is a separate management domain. This could be, for instance, a network, logical grouping of nodes, or some other domain. An internet submap 204 is defined at an internet level and is generated by "'exploding" an object 203 within the root submap 202.

(*Id.* ll. 18-27.)

> Further, the internet submap 204 illustrates objects 203 in the form of networks and routers. Any one of a number of network submaps 206 can be exploded from the internet submap 204. Each network submap 206 shows objects 203 in the form of segments and connectors. Any one of a number of segment submaps 208 can be exploded from an object 203 within a network submap 206. Each segment submap 208 shows objects in the form of network nodes. Finally, any one of a number of node submaps 210 can be exploded from an object 203 within a segment submap 208. Each node submap 210 shows objects 203 in the form of interfaces within that node.

(*Id.* ll. 30-42.)

3. "'Exploding' . . . means that the user prompts the management station 100 with the input device 106 to break down and provide more data pertaining to the object 203 at issue." (*Id.* ll. 27-30.) Furthermore, the station only displays "those submaps . . . which the user wants to see . . . ." (*Id.* ll. 47-48.)

ANALYSIS

Because Schettler's submaps are arranged in a hierarchy (FF 2), we agree with the Examiner's finding that the submaps represent levels of abstraction. We also agree with his finding that using the input device to prompt the management station to display one or some of the submaps (FF 3), constitutes receiving input associated with a level of abstraction.

Because only the internet submaps illustrate networks and only the network submaps show segments and connectors (FF 2), we find that Schettler also filters a display of network links based on the level of abstraction.

Rather than arguing the rejections of claims 2-9 and 11-17 separately, the Appellant relies on the aforementioned argument, which was unpersuasive, and thus does not establish that the Examiner erred in any of the three rejections under § 103(a).

CONCLUSION

Based on the aforementioned facts and analysis, we conclude that the Appellant has not shown error in the Examiner's finding that Schettler receives input associated with a level of abstraction and filters a display of network links based on the level of abstraction.

DECISION

We affirm the rejections of claims 1-23.

No time for taking any action connected with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED

rwk

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